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इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के लिए रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 13th March, 1992:—

BILL NO. 15 OF 1992

A Bill further to amend the Indian Succession Act, 1925.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Succession (Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

39 of 1925.

2. In section 213 of the Indian Succession Act, 1925, in sub-section (2), after the word "Muhammadans", the words "and Indian Christians" shall be inserted.

Short title and commencement.

Amendment of section 213.

STATEMENT OF OBJECTS AND REASONS

Section 213 of the Indian Succession Act, 1925 provides that the executor or legatee under a will can claim right over the immovable property of the deceased person only after a Court has granted probate of the will under which the right is claimed, or has granted letters of administration with the will. However, Muhammadans have been exempted from the application of the provisions of this section. The provisions of the section apply to Hindus, Buddhists, Sikhs, Jainas and Parsis in some cases and under certain circumstances. But in case of Indian Christians the executor or the legatee has always to go for the grant of probate of the will or for the grant of letter of administration, as the case may be. This provision is discriminatory in nature towards the Indian Christians and needs to be amended.

Hence this Bill.

NEW DELHI;

K. V. THOMAS

December 2, 1991.

BILL NO. 18 OF 1992

A Bill to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

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| <p>1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 1992.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In the Prevention of Insults to National Honour Act, 1971, section 3, the following section shall be substituted, namely:—</p> <p>“3. (1) Whoever intentionally prevents the singing of the Indian National Anthem and the Indian National Song or causes disturbance to any assembly engaged in such singing or is found not singing the Indian National Anthem or the Indian National Song during the course of such singing or refuses to participate in such singing shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.</p> <p>(2) The singing referred to in sub-section (1) shall be compulsory at all public functions and in all educational institutions before the teaching work starts.”.</p> | <p>Short title, extent and commencement.</p> <p>Substitution of new section for section 3.</p> <p>Punishment for intentionally preventing the singing of the Indian National Anthem and the Indian National Song, etc.</p> |
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STATEMENT OF OBJECTS AND REASONS

A division Bench of the Supreme Court of India in civil suit No. 870 of 1986 between Bijoe Emmanuel and others versus State of Kerala and others, on 11 August 1986, had observed that "We may at once say that there is no provision of law which obliges anyone to sing the National Anthem nor do we think that it is disrespectful to the National Anthem if a person who stands up respectfully when the National Anthem is being sung but does not join the singing. It is true that article 51A of the Constitution enjoins a duty on every citizen of India 'to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem'. Proper respect is shown to the National Anthem by standing up when the National Anthem is sung, it will not be right to say that disrespect is shown by not joining in the singing."

Every citizen of India, whatsoever may be his religious belief, should actually participate in singing both the National Anthem and the National Song. It is not sufficient to simply stand up and not to cause any disturbance when the National Anthem is being sung. Every one should also sing the National Anthem during the course of such singing as such an activity will help in fostering national integration and also in developing the feeling of patriotism amongst the citizens.

The singing of the National Anthem and National Song should be made compulsory at all public functions and in all educational institutions.

Hence this Bill.

NEW DELHI;

RAMESHWAR PATIDAR

December 19, 1991.

BILL No. 27 OF 1992

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992.

Short title.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 31.

“31. The State shall provide sports education compulsorily to all able-bodied students in all educational institutions until they complete the age of twenty years.”.

Compulsory sports education in all educational institutions.

STATEMENT OF OBJECTS AND REASONS

Our country has 15 per cent. of the world population and it is the second largest in population after China. Despite having such a vast population our country has miserably failed in the sports arena. We have never won any medal worth mentioning in all the world of sports particularly in the Olympics except in Hockey. But in this particular sport too our standard has gone down to such an extent that now we have to play qualifying matches to ensure entry in the Olympics. Thus our challenge in the Olympics has virtually vanished. If we examine the causes of our failure in the sports we find that one of the causes is that our schools are devoid of compulsory sports education. Of course, there are other causes to at the national and state levels but the need of the hour is to provide compulsory sports education in schools.

The Directive principles of State policy provide in article 45 of the Constitution for free and compulsory education for children but this article too does not touch the sports element. It is a known fact that games help to break international barriers and knit the nations into a healthy union. They teach us the spirit of team work with patience and perseverance. Sports education will also inculcate among our youngsters *esprit de corps* which is so essential for the unity and integrity of the country. It has, therefore, been proposed in this Bill that in educational institutions sports education should be included as one of the compulsory subjects to be taught to all able-bodied children upto the age of 20 years.

Hence this Bill.

NEW DELHI,
January 29, 1992

R. SURENDER REDDY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that sports education should be made compulsory in all educational institutions for all able-bodied students until they complete twenty years of age. Necessary infrastructure has to be created and many teachers have to be appointed to implement the provisions of the Bill. As far as educational institutions in Union territories are concerned expenses will be borne by the Central Government. As far as educational institutions in States are concerned the respective State Governments will meet the expenditure although financial assistance may be extended to them by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees six crores is likely to be involved. A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be involved.

BILL No. 29 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amend-
ment of
article
84

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

“(b) is, in the case of a seat in the Council of States, not less than twenty-one years of age and, in the case of a seat in the House of the people, not less than eighteen years of age; and”.

Amend-
ment of
article
173

3. In article 173 of the Constitution, for clause (b) the following clause shall be substituted, namely:—

“(b) is, in the case of a seat in the Legislative Assembly, not less than eighteen years of age and, in the case of a seat in the Legislative Council, not less than twenty-one years of age; and”.

STATEMENT OF OBJECTS AND REASONS

In the year 1988, the Government took a historic decision to lower the voting age of citizens from twenty-one years to eighteen years and this proved to be a milestone in the annals of Parliamentary democracy in our country. Accordingly, in the month of December, 1988, Parliament unanimously passed the Constitution (Sixty-first Amendment) Bill, 1988, to give effect to the historic decision of the Government of the day. This was a step of momentous importance as it enabled millions of our youth to directly participate in the democratic process of choosing their own Government. The youth of the country has also shown their maturity in electing their representatives in the recently held general elections, mid-term elections and bye-elections. The maturity shown by the youth, qualifies the youth to become the representatives of the people as well. It is, therefore equally important to reduce the qualifying age to become legislators.

Hence, it is proposed to reduce the minimum age from the existing age of twenty-five years to eighteen years to become a member of Lok Sabha and Legislative Assembly and from the existing age of thirty years to twenty-one years to become a member of Rajya Sabha and Legislative Council. This will enable our youth to directly participate in the governance of the country.

Hence this Bill.

NEW DELHI,

January 29, 1992.

R. SURENDER REDDY

BILL NO. 40 OF 1992

A Bill to provide for the setting up of a Board in every State for appointment of, and determining conditions of service of, teachers in Universities and colleges.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title,
extent
and com-
mencement.

1. (1) This Act may be called the Employment of Teachers Act, 1992.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) "University" means a University established or incorporated by or under a Provincial Act or a State Act; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) Every State Government shall establish a Board for the purposes of recruitment of teachers in colleges and Universities functioning in a State.

(2) The Board established under sub-section (1) shall consist of a Chairman and such other members as may be prescribed.

(3) It shall be the duty of the Board to recruit teachers for all colleges and Universities functioning in the State.

(4) The qualifications and other conditions required for appointment of teachers shall be such as may be prescribed.

4. (1) The conditions of service of the teachers appointed shall be such as may be prescribed.

(2) Without prejudice to the other conditions of service which may be prescribed under sub-section (1), the conditions of service shall provide that—

(a) it shall be compulsory for every teacher employed in a college or a University to teach for atleast sixty hours during a month; and

(b) if any teacher employed in a college or a university intends to do research work he may be granted leave of absence, without pay, for a period not exceeding two years.

5. If any teacher is elected as a member of either House of Parliament or a State Legislature, he shall be granted leave of absence, without pay, for the period he remains as such a member:

Provided that leave shall not be granted for a period more than three terms as such a member:

Provided further that the period of leave shall not be counted for the purpose of fixing the seniority of the teacher concerned.

6. The Central Government may make rules for carrying out the purposes of this Act.

Recruit-
ment of
teachers
in Uni-
versities
and
colleges.

Condi-
tions of
service
of
teachers.

Grant of
leave to
teachers
elected
as legis-
lators.

Power to
make
rules.

STATEMENT OF OBJECTS AND REASONS

The standard of teaching at University level has been deteriorating over a period of years. For want of a common body, there are lot of irregularities in the appointment of teachers in colleges and Universities.

In several colleges and universities there is no control as to how many periods a teacher should teach. Many teachers are engaged in activities other than teaching without taking any kind of leave. It is proposed that a teacher should teach atleast for a prescribed number of hours during a month.

With a view to ensure that selection of teachers is done according to prescribed norms and the teachers do not take advantage of the system, it is proposed to set up a Board for selection of teachers.

Hence this Bill.

NEW DELHI;

January 30, 1992.

MOHAN SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 28 OF 1992

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Forty-third year of the Republic of India as follows:—

Short title. 1. This Act may be called the Representation of the People (Amendment) Act, 1992.

Amendment of Section 77. 2. In Section 77 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), in sub-section (1),—

(i) For *Explanation 1*, the following *Explanation* shall be substituted, namely:—

"Explanation 1.—Any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall be deemed to be expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purposes of this sub-section.";

(ii) *Explanation 3* shall be omitted.

3. After section 100 of the principal Act, the following section shall be inserted, namely:—

"100A. Misuse of Government power or Government machinery in relation to a constituency or misuse of Government power or Government machinery likely to affect the result of election in a constituency shall render the election invalid in that constituency.".

Insertion
of new
section
100A.

Misuse of
Govern-
ment
power or
machini-
nery to
render
elec-
tion in-
valid.

4. After section 123 of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
124.

"124. (1) Misuse of Government power or Government machinery in furtherance of the election of the party in power shall be deemed to be a corrupt practice for the purposes of this Act.

Misuse
of Gov-
ernment
power
to be
deemed as
corrupt
practice.

(2) The following acts shall be deemed to be a misuse of Government power or Government machinery in furtherance of the election of the party in power, in case such acts are done during the period from the date of dissolution of the House of the People or the Legislative Assembly of a State, as the case may be, till the date of its reconstitution:—

(i) starting of a new project of development or action to expedite implementation or laying of foundation stone of a new project or sanctioning new schemes or projects;

(ii) promises by the Government to set up new projects of development;

(iii) large scale expenditure of Government money in a constituency;

(iv) grants to public institutions of individuals, associations or bodies of persons;

(v) transfer of police officers above the level of head constable, and administrative or revenue officers of class I or class II;

(vi) grant of allowances or loans or salary increase;

(vii) use of jeeps and other vehicles belonging to Government and local bodies for election work of the party in power or any of its candidates;

(viii) publishing of advertisement of the Government or the party in power at Government expenses;

(ix) exhibition of newsreels at Government expenses for the propaganda for the Government or the party in power.

- (x) giving time to a Member of the Government either on radio or television except such time as may be allotted to his party for election propaganda;
- (xi) use of Government postage for election work of the party in power;
- (xii) use of the services of the public works department for erecting rostrums for public meetings;
- (xiii) travel by Ministers, Deputy Ministers and their Parliamentary Secretaries at Government expenses;
- (xiv) use of Government aircraft by the Ministers, Deputy Ministers and their Parliamentary Secretaries or a Member of the party in power for election purposes; and
- (xv) holding official functions attended by Ministers, Deputy Ministers and their Parliamentary Secretaries.”.

Amend-
ment of
section
169.

5. In section 169 of the principal Act,—

- (i) in clause (3), the words “so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule” shall be omitted; and
- (ii) after clause (3), the following clause shall be inserted, namely:—
- “(4) No rule made under this Act shall come into force before the expiry of the session, of each House of Parliament, immediately following the Session in which the rule has been laid under clause (3).”.

STATEMENT OF OBJECTS AND REASONS

It is generally admitted that there exist certain loopholes in the present electoral laws and processes. Many Committees have made various suggestions for the improvement and reforms in the electoral system.

The present Bill proposed to codify some of the suggestions of these Committees and others in order to plug the loopholes and ensure free and fair elections to the extent possible, in the present circumstances.

Hence this Bill.

NEW DELHI;

CHITTA BASU.

February 5, 1992.

BILL NO. 39 OF 1992

A Bill further to amend the Advocates Act, 1961.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Advocates (Amendment) Act, 1992.

Insertion of new section 24B.

2. In the Advocates Act, 1961, after section 24A, the following section shall be inserted, namely:—

Restriction on right of certain persons to practise.

“24B. Notwithstanding anything contained in section 24, any person, who,—

(i) after being admitted as an Advocate on a State roll, suspends the practise of law in order to join any public service, or

(ii) after being relieved of from public service, either on account of his retirement or otherwise, applies for admission as an advocate to any State Bar Council,

shall not be permitted to practise law or be admitted as an advocate on any State roll, as the case may be, unless he produces a certificate from his employer to the effect that he has withdrawn his claims over, and is not receiving, the service benefits.

Explanation.—In this section,—

(i) the expression "public service" means any post or service in connection with the affairs of the Union or a State and includes any service in any public undertaking, whether under the control of the Government of India, or any State Government; and

(ii) the expression "service benefits" means any pecuniary benefits which have become due to a person on account of his retirement or otherwise from the public service but does not include the amount in the general provident fund account or any other such scheme, which has become due to him on account of his personal savings during the course of his public service.”.

STATEMENT OF OBJECTS AND REASONS

At present, the Advocates Act, 1961, provides that any person who has obtained a bachelor's degree in law may be admitted as an advocate on a State roll and practise law if he fulfils certain other conditions. As such, any person, who is in service under the Central Government or the State Government and holds a bachelor's degree in law, may practise law or apply for practising law after his release from the service, whether on account of his retirement or otherwise. Such persons besides receiving various after service benefits like gratuity, pension, contributory provident fund, etc. also become eligible for getting benefits under various schemes in operation in various States for the welfare of the advocates in case such persons re-join or join the profession of law. Thus, Government employees who join the profession of law after being relieved from the service are at an advantageous position as compared to other members of the profession who have no other source of livelihood apart from what they make in the profession. Moreover, the retired employees, particularly from the judicial departments, if start practising law, may influence the sitting judges in the matter of appointment of commissions, etc.

It is, therefore, necessary that some restrictions are imposed on persons who want to practise law after being relieved from service. The Bill seeks to provide that such persons who wish to practise law after retirement, etc. shall have to furnish a certificate from their employer to the effect that they have withdrawn their claims over, and are not receiving, any after service benefits that are otherwise due to them. This amendment will also ensure saving of funds of the Government as such persons will not be claiming the various after service benefits due to them in case they want to join the profession of law.

Hence this Bill.

NEW DELHI;

February 13, 1992.

BANDARU DATTATRAYA

C. K. JAIN,
Secretary-General,